Stott. II-27—15,004—22-8-46.

PUBLIC WORKS (1947.) Department.

I.S. SERIES.

G.O. NO. 266

266

Dated 30th January 1947.

close
8th
31.1.1947
11/2/47

[Despatch Abstract.]

Kalgoorlie - South Kalgoorlie District - Note for the Honorable Minister - Papers - Recorded.

Representations for the provision of irrigation facilities in South Kanara.

1 The following note on the possibilities of development of irrigation in the South Kanara District has been up by me as directed by HON'BLE MINISTER (REVENUE) who had received numerous representations on the subject during his visit to the district in May 1946.

Geographical features and description of the country. Essentially a forest district.

2. South Kanara is at the extreme end on the West Coast of this province. It is about 150 miles in length and its width varies from 20 to 50 miles and its area is 4021 square miles. It is separated from Coorg and Mysore, by the scarp or watershed of the Western Ghats which forms a natural front on the east. From the ghats, spurs run down in all directions while all over the district are low detached hills which become less frequent as the coast is approached. Below the ghats the district may be roughly described as a broken laterite plateau which gradually slopes towards the sea. The high western ghats intercept the clouds; the lofty forests arrest them and cause them to precipitate their contents; and their joint action secures an unfailing and regular rainfall, which averages 146.92 inches and is the highest in the Province. It is the smallest on the coast line; and the further in land one goes, the greater the amount, which averages 189 inches at Karkala which is close to the ghats. The monsoons have furrowed innumerable valleys, which converge at last into the main valleys through which the larger rivers of the district run. The rivers, though numerous, are of no great length; rapid in their early course and raging torrents during the monsoon, when they carry off an enormous volume of water, have cut themselves very deep channels and expand at the coast into shallow tidal lagoons; in the hot season they shrink to narrow channels in the centres of their beds. In the extreme south, a number of rivers rising in the Malabar and Coorg hills from a succession of back-waters giving water communication with Malabar. The coast line, which is low and sandy with broken and rugged rocks cropping up in places, is indented by numerous creeks and b

are enjoyable free of assessment by the owner of the cultivation which adjoins the slope, to the exclusion of this within a limit of hundred yards from the cultivation margin. South Kanara is particularly well suited for the pursuit of agriculture.

The wide contrast between the conditions prevailing in the East and West Coasts.

6. The ways and customs of its people differ very much from those of people in the other parts of the province. The people are fond of living in separate homesteads, in the centre/~~of one village~~ of their holding. The urban population is smaller than that of any other district except the Kurnool and the Nilgiris. The proportion of landholders is very small; lands are held on "warg" tenure; assessment is not fixed for particular fields on the usual basis of share of produce; lump assessment is levied on holdings which are sometimes connected, & parts of which may even be in different villages. There is a large preponderance of non-cultivating tenants to whom the "wargs" are let; and they in their turn, sublet them to the actual tenants, who are practically labourers and have to supplement their resources by other occupations. There are no government irrigation works, and the ryots are left to their own resources, to utilise the waters from the streams and springs to raise the second and even third crops. The grouping of wet lands is based on their proximity to the sea-coast. There is no water-rate, and no charge is made for an occasional second crop or even a second wet crop raised on lands which are classed single crop lands.

7. The conditions in Malabar are in many respects similar to those of South Kanara; and it is difficult to imagine a wider contrast than what now exists between the South Kanara and the other parts of the Province except Malabar. While the general aspect of the former is a long barren sandy shore stretching monotonously mile after mile, South Kanara presents an endless stretch of cocoanut palms, broken only by some river mouths or fort-crowned promontory where the main level of the laterite plateau runs sheer into the sea. Valley opens upon valley in picturesque and diversi-

diversified similarity which converge at last into the main valleys through which the larger rivers run. Along the back water which these rivers form at the coast are found large level stretches of fertile rice and garden land. The numerous hollows are the scenes of rich and varied cultivation. The flora of the district is exceedingly varied; areca palms, which are to be found in sheltered nooks and of valleys near the ghats where there are perennial streams and abundant shade, are a special feature of the district. It has an abundant rainfall; and in the monsoon every hollow and wall spreads with ferns and creepers. It is full of wooded forests with all their wealth of timber and minor produce. It is not surprising that to a casual visitor the district appears to be an exceptionally favoured district.

Correct conception conditions in the East Coast generally favourable.

8. Unfortunately for the district, this opinion seems to have been shared by even the Collectors of the district, whose views have been too readily accepted by the Government, in spite of the numerous representations made from time to time by the accredited representatives of the district. There are no irrigation works in the districts. It has been expressed that it is impossible to argue from the East Coast to the West. Minor irrigation works on which large extents depend for their water supply for cultivation, are considered to be useless during the southwest monsoon; and not only unnecessary/~~only~~ to irrigating small areas of second crop which in an average ~~xxx~~ year do not require artificial irrigation, but also a positive danger if they breach!

Critical attitude of local officers towards the proposition.

A sub divisional officer, South Kanara, reported that the ryots/were not interested in irrigation works, in the same connection, the then Collector of South Kanara said that irrigation works were neither practicable nor necessary in the district. While considering whether Government rights will in any way be affected by the grant of permission to pump water from the Gurupur river another Collector reported that the rights of the

G.O.No.377 I, dated 1-7-191 para 8-9 S.F.

G.O.No.1367, Rev., dated 16-7-1917.

the Government were safe as it was most improbable the Government would ever have to undertake an irrigation work in the district! In a note on a cut motion on the need of utilising the water of the same river, Sir Charles Souter, a Member of the Executive Council who was an ex-Collector of the district observed in 1929, "It seems almost ludicrous to waste time over irrigation schemes in South Kanara where rains hardly ever fail and where crops are always almost good. There are many parts of the Presidency whose needs must come first and where money can be more profitably spent." In a reply to another question in the Legislative Assembly, Sir Archibald Campbell, while declining to take up the question of replacing the mud dams by masonry dams, replied "I think, Sir, it is generally recognized that they (i.e., Malabar and South Kanara) are blessed with a very lavish rainfall which nature has provided for them. They have not been altogether neglected"!

G.O.No.1386,I, dated 26-6-1933.

G.O.No.1351,I, dated 17-1-1936.

No works possible under the irrigation policy of the Government.

9 This is largely due to the irrigation policy of this Government which, as observed, ~~by~~ in a recent minute by Hon'ble Minister (Public Works), needs a re-orientation in the present conditions. The test of productivity was till recently rigidly applied before sanctioning any new irrigation project; no work was sanctioned, if it was not expected to yield within ten years of its completion, a revenue of less than 4% on the capital invested (which was defined to include direct and indirect charges and all arrears of simple interest). This principle was relaxed only in the case of protective works which had to be taken up in scarcity areas. Such areas were divided into four classes which needed different degrees of protection, and different rates of interest varying from 2½% to 4% were prescribed for such areas. In view of the abundant rainfall in Malabar and South Kanara, no portions of these districts were included in such areas; and it was considered that the principles governing the construction of protective works in scarcity areas, did not justify any attempt on the part

part of the state to provide for any works in these districts. All new projects were more or less judged on strictly commercial lines with the result that new projects were taken up in the richer districts while protective works were concentrated in scarcity areas, ignoring the consideration that such works were liable to fail in years of less than average rainfall when they were not linked to perannial sources like the Tungabhadra or other rivers. In view of this policy there was not the slightest chance of irrigation projects being taken up in Malabar, South Kanara and the special conditions which prevail in these districts were persistently ignored.

G.O.No.1071, I, dated 16-4-2[illegible].

10. There are no minor irrigation works in these districts. When therefore the Government embarked in 1935 on a special accelerated and widespread programme of improvements to minor irrigation tanks to provide employment on a large scale to mitigate the effects of the prevailing economic depression, and when 50 lakhs were spent from 1935-36 in strengthening tank bunds etc., of the existing tanks, no relief was granted to the unemployed in these districts on the ground that the funds were earmarked for the special programme, even though the Collector of South Kanara suggested that in the absence of irrigation works other public works such as roads bridges etc., might be undertaken for the purpose!.

Gross neglect of Malabar and South Kanara in the accelerated programme.

G.O.No.2[illegible], I, dated 24-12-'36. G.O.No.1177, P.W.D., dated 18-12-'36.

11. The circumstances stated in para (5) above, no doubt show that the ryots of the district have much in their favour. But the opinion held all along that owing to the abundant monsoons the district produces more grain than is necessary for its requirement has recently been found to be not correct. It has been too readily presumed that the ryots ought to be in easy and comfortable circumstances. The facilities in the district no doubt go a great way towards making agriculture an easy profession. At the same time the ryot has to contend against numerous difficulties before cultivation is

Serious difficulties of the ryots.

is commenced. More than a fourth of the district consist of forest; nearly one half is hilly and rocky land not available for cultivation; and the area actually cropped is less than a fifth of the total area. The soil is so uneven that every spot has to be levelled with great labour; even the lands which have been brought under the plough are liable to be broken with deep gullies, formed by the torrents which fall during the monsoon. The rain is no doubt abundant and unfailing; but it is not evenly distributed. It is concentrated in the months of July-September when the South West monsoon is in full force. The climate is very damp. Malaria is very prevalent on account of the existence of a large number of forests, particularly after the rains as the increased stagnation of water is particularly favourable to the breeding of mosquitoes. In October, the north-east monsoon sets in and gives an average of 12.05 inches. In November, heavy rain is a rare occurrence; and in December the dry weather sets in and lasts throughout the following three months. Irrigation is badly needed for about six weeks from the beginning of December when the second crop is still on the ground. There are no good indigenous breed of cattle; the village cattle are miserably weak; and the best draught and plough cattle which are mostly imported from Mysore tend to deteriorate owing to exposure during the heavy rains.

Paddy - The principal crop - The description of the paddy lands and the manner in which they are irrigated.

12. Rice is, by far, the largest crop and about four fifths of the cultivated area is under it. It is the staple food grain in the district; and along with cocoanut areca-nut practically monopolises the cultivation, though sugarcane, dry crops, a little tobacco and plantains are also grown. Paddy is grown mostly in the valleys and the gorges of the laterite plateau. The hard laterite slope of the ravines have been cut into terraced paddy lands right up to the drainage line at the top by the industrious ryots of the district. The drainage water passes from field to field till it eventually reaches the main paddy

paddy flat or valley into which the gorge xxxx opens out, and the excess water of the valley is carried out by a "thodu" or water course. The "bail" or the first class lands are found in the lower stretches of valleys by the side of xxx one or more water channels which pass through the centre or down either sides of xx such valleys; they are abundantly supplied with water through small openings in their embankments which can be shut or opened as needed, and have better soil on account of the silt which the water brings along with it. After the first crop of rice has been harvested, dams are thrown across these channels at intervals; and by this means the level of water is maintained and water is let into fields, when required, by direct flow from the channel, to grow a second or even a third crop of rice. Very often a permanent dam is maintained above the cultivation to divert part of the water down the side channels; and in the land immediately above these side channels, a second crop is raised by baling water, either from picottans, or, when the level admits, with hand-scoops (Kaidambe). The "majal" or second class of rice lands consists of these fields in the higher parts of valleys which, though not entirely dependent on the annual rainfall, have yet a considerably smaller supply of water than those situated lower down; on these lands two crops of rice, or one of rice and another of some dry grain or pulse are raised every year. Higher up the slopes of the valley are other rice-fields, known as "bettu", cut laboriously in terraces out of the hill sides; they give only one crop of rice, and, except where fed by jungle streams, or xxx entirely dependent on rainfall; and consequently their cultivation is somewhat precarious.

12. The heavy rainfall and the rapid nature of the rivers do not admit of any large irrigation reservoirs in the district. There is no necessity for storing water for cultivation of the first crop during the South-West monsoon. The second and third crops however cannot be

Lack of irrigation sources - The growth of second crop is largely due to the amazing industry of the ryots

be raised without the provision of the irrigation facil and there is considerable demand for water in the hot weather. Rain water is sometimes stored in private tan or reservoirs known as "Madagas" or in shallow pits and ponds in fields. A ~~xxxxxx~~ number of reservoirs have been dug by private owners near the coast where water is found near the surface. While commenting on the small size of one of these "madagas", the Chandar Madaga, and comparing the ayacut under it with that under a tank of the same capacity on the East Coast, the Chief Engineer (Irrigation) Dewan Bahadur N. Govindaraja Ayyangar, has observed that the development ~~is~~ was out of all proportion to the catchment and storage. The bulk of the second crop cultivation is with the most skilful utilisation by the ryots at their own expense of the waters of the springs and streams which continue to flow for some time after the rains have ceased - by countless channels, feeders and temporary dams; with an industry which the same Chief Engineer (Irrigation) calls perfectly amazing and considered ~~that it deserved better~~ as deserving more assistance ~~help~~ from the Government irrespective of all considerations of revenue aspects, as a recognition of their self reliance and industry. It was reported that in 1929 there were 2500 such dams in the district. They are being put up annually across poramboke streams, channels and "thodus", (and a few across even big navigable rivers,) by heaping earth across the ~~xxxx~~ streams in December; and they are automatically washed down every year. Where water for irrigation cannot be obtained by direct flow, it is raised by a variety of contrivances according to the depth from which it has to be secured. Further inland, reservoirs of a substantial nature have sometimes been constructed at the valley heads to supply water to the lands at a lower level; and many of the areca gardens are so supplied with water. It is thus seen that the ryots have minutely adapted themselves to the properties of the various soils and the geological peculiarities of the district in the choice and rotation

G.O.No.456, P.W., dated 17-2-1945. pp.29. (I) (Removed)

G.O.No.456, P.W., dated 17-2-1945. pp.23-25. (I) (Removed)

G.O.No.2564, Rev., dated 9-12-1929. (WW) 3cr

rotation of crops; the selection of seed and seed beds, the number of ploughings, the amount of manure, the distribution of water and countless other details of farming. It is doubtful if any other district in the province shows such a round of orderly and careful cultivation. Indian - 1.3.50.

13. Rice has always been imported to the district from Burma. The War has exploded the myth that South Kanara was self sufficient in the matter of food production. It has now been estimated that the production of rice in the district is about 1,30,000 tons and that its requirements are about 1,68,000. There is thus a deficit of about 18,000 tons which is badly needed for supply to the city of Mangalore and the deficit area of the entire Kasargod taluk. In pursuance of the Grow More Food Campaign a number of small schemes like (1) the Sulriya River Anicut Scheme, (2) Reclamation of back-water near Kumbla, (3) Improvement of the Chandar Kanaga near Dharmavar and (4) the Gurpur Anicut Scheme, which had been taken up in the past in spite of repeated representations, are now under investigation. None of them however have been sanctioned so far. In G.O.No.1235 Rev., dated 19-6-1944 the Government sanctioned a special staff of one Minor Irrigation Supervisor and two Minor Irrigation Overseers for the investigation of twenty minor schemes, but the work has been postponed till September 1946 for want of staff and instruments. The Government have also sanctioned a special staff of three Public Works Department Supervisors and three peons in G.O.No.479, P.W., dated 21-2-[illegible] for the investigation of a number of larger schemes suggested by interested ryots in the district, but only one supervisor has been appointed on account of the dearth of men.

The vi[illegible] district [illegible] sufficient [illegible] found to be wrong.

14. The Government have done nothing so far for wet cultivation in the district though it derives considerable revenue from it! In another connection, I have pointed out how badly the Government has failed to allot adequate funds for the improvement of communications

Cross rails the district the Govern[illegible]

lower villages and lead to litigation; and that the cost of maintaining such dams would be more than the cost of putting up mud dams every year. The Collector of South Kanara suggested that the only remedy to overcome the difficulty was for the ryots to strengthen the banks of the channels and streams by stone rivetments, and to deepen their beds by ploughing them, so that they may hold more water after the silt is washed off after the first freshes. The Collector of Malabar considered that the construction of high level tanks would be a better solution as it would involve little interference with the existing cultivation; he was however sceptic whether they would be remunerative though later, irrigation crops could be raised with the water stored in them, on lands which then yielded a single wet crop or no crops at all. The Government then agreed with the view expressed by the Board of Revenue that it was sufficient that if permission was granted after due inquiries to those ryots, who were alive to their interests and applied for permission to put up dams in addition to the ~~manual~~ manul dams. 18 When the question was again raised in 1931, the Government agreed with the then Collector, Mr. E. M. Gawne, that construction of permanent dams was not feasible for the reasons given above.

G.O.No.1899, Rev., dated 23-10-1933. (T)

F4 (T)

High level tanks.

19. When the question of the construction of high level tanks was also raised in 1912, Sir Charles Innes pointed out that the second crops were uncertain only when they were attempted on lands at a higher level; that such lands were to be commanded by a small tank, a spring or well to secure the crop; most of such lands were registered as ~~drop~~ double-crop wet; the area commanded by new tanks would be very small and they could not possibly be made to pay as the additional revenue derived by converting the single crop wet lands would be trifling; and that such tanks would be not only useless during the monsoon when rain water was sufficient for the irrigation of the first crop, but also a positive danger if they breached. In his opinion

F.S-6 (N)
F.O No. 377 9 (N)
11.7.1913

opinion there was no justification for taking that up for the second crops on smaller areas which, after all, did not require any artificial irrigation in normal years. When the question was again raised in 1931, Mr. E. A. Game, pointed out that high level tanks were dangerous in tracts of heavy rainfall; and that the ryots of South Kanara, who realised it, hesitated to fill them up till the end of July. This view was accepted by the Government who have largely been guided by the consideration that the cost of construction would be out of proportion to the benefit received. The fact however remains that a few of such tanks have been constructed by the ryots at their own expense and are used for cultivating profitable garden crops.

G.O.No.1809 Rev., dated 27-10-'33.

20. The Government have so far considered there was "no scope for the construction of minor irrigation works" in South Kanara and the greater part of the Malabar district, and that there was no justification for spending public funds "on irrigation works which are neither suitable or imperatively called for in the two districts". The main reason for considering that permanent dams and high level tanks were not feasible, ~~were~~ was that such works would be pure and simple protective works, ~~in~~ areas which were not classified as scarcity areas. Growth of food has become a matter of urgency, and the whole province will have to be considered for the next few years as a scarcity area, for the purpose of relaxation of the principle of adequate return on capital outlay. As for the feasibility of such works, the Collector and other local officers have been too prone in the past to consider the suggestions made by interested ryots as impracticable. The Chief Engineer (Irrigation), Diwan Bahadur K. Govindaraja Ayyangar, however, recently pointed out that ~~many~~ through of the schemes are ~~so~~ impracticable, it is undesirable to arrive at any such decision in the case of all of the large number of suggested schemes without proper examination.

The reasons for refusal to take up works do not hold good if ~~that~~ it is to be a re-orientation of irrigation policy.

G.O.No.479, (P.W.) dated 21-2-1945.

21. The decision of the High Court in the Olappamanna Suit, which has established the private ownership of beds of rivers in Malabar where they are not tidal or navigable is not applicable to South Kanara. It is true in the district that no wet rate is leviable during the currency of the present settlement, on second crops raised on lands which have been classified as single crop lands. The ryots are now in a mood to pay water rates and have actually agreed to do so in the case of the proposed Shiriya and Chandar Madaga Schemes. If it is considered that mere voluntary agreement are wholly insufficient to afford a secure basis for investing money on irrigation projects on the west-coast, it is open to the Government to undertake legislation on the subject. The works need not be held up on this account.

G.O.No.2831 P.W., dated 12-12-1939.

Difficulty of levying water rate should not stand in the way of execution of works.

"Madagas".

22. Besides the high level tanks or reservoirs of a substantial nature constructed at the valley heads, the ryots have also constructed "Madagas" or small tanks in tracts near the sea coast where there is a clay belt over the porous laterite soil to enable storage of rain water or water diverted from the streams. A number of them irrigate one or two holdings and are, no doubt, treated as private tanks attached to such holdings. Those of them which are utilised for the irrigation for a number of holdings are treated as Government tanks, though, I believe, no expenditure is normally incurred for their maintenance. Most of them are reported to be in ruins for want of repairs. Hon'ble Minister (Public Works) has recently ordered that the repairs to supply channels which were hitherto left to the ryots for repair at their own expense under the Kudimaramath Act, should be carried out immediately at Government expense, if such repairs would lead to an appreciable increase in their production of food. The question of taking up repairs to some "madagas" on similar lines may be considered.

G.O.No.1899 Rev., dated 23-10-1933.

O.M.NO.2304 D/42-2 (P.W.) dated 10-5-'46.

Possibility of tapping sub-soil

23. In addition to the large volume of water which is now carried into the sea by its rivers, vast quantities of water are

not being absorbed immediately after the rains by the porous soil of the district. It ought to be possible to discover this water at some level. If it is found possible to tap even a small portion of this water, it is sure to be utilised to the fullest advantage by the industrious ryots of the district in growing more food crops. The ryots have always been anxious that deep-well pumps should be installed in the beds of rivers which go dry in the hot weather. More information about subsoil springs is badly needed. ~~There~~ This problem deserves to be seriously considered, as it will also lead to the improvement of drinking water supply which, at present, is very unsatisfactory. The shallow drinking water wells or ponds of the district are too liable to be contaminated by surface drainage with the result that bowel complaints and water-borne diseases are quite common and cause a heavy mortality at present.

Water-supply investigation and development scheme.

G.O.Ms.No.2217, P.W., dated 22-11-1938.

24. The problem of improving irrigation on the west coast is a difficult one and requires thorough and competent technical examination. The available revenue statistics have to be studied; maps have to be studied with a view to select areas where projects are possible; and data necessary for consideration of the feasibility of the proposed schemes have to be collected. Some of the suggestions which interested ryots may make, may prove to be valuable. There is at present a staff of one Assistant Engineer, three supervisors, ~~xxxxx~~ etc. for investigation of schemes in the Malabar District. This staff may be strengthened; and ~~the~~ an Executive Engineer may, perhaps, be immediately appointed and put in charge of the investigation, which may be extended to the entire west coast, with special reference to the problems of South Kanara, in view of the fact that no schemes of any kind have been taken up so far in this district, though a few of them have been taken up in the Malabar District.

Problem difficult - Need for thorough and competent investigation.

25. Revenue and Legal may see before circulation.

P.W.D. ms. No. 1424-H/46-1, 4/9/46

Rev. Deptt

To U.S

~~P.W.D~~ Please see (the note of) P.W.D ~~seeny~~ on pp 1-16 ante - particularly paras 8, 10, 13, 20, and 21.

On 1944 the government sanctioned the appointment of a Special M.I. Staff for the investigation of 21 M.I. Schemes in South Kanara Dt. But as the necessary personnel were not available it was not possible to start the investigation. Pl. see memo On July 1946, (G) orders have been issued to appoint the staff and start investigation of the schemes as soon as weather conditions permit. (Y)

Perused in Rev

749 H/46-1 Rev. 30.7.46

No other remarks seem called for. The file may be passed on to Legal.

Pm 11.9.46

Legal.

Rev No 2166 H/46-1 17.9.46.

Legal Department

Apparently the remarks of this Department are required only on paragraph 21 on page 15 ante. It is not clear from this paragraph whether what is considered necessary is the levy of water rate for water supplied from Government irrigation works or levy of assessment when second crop is raised on single crop wet lands with the aid of Government water, or both. The point may be made clear and a copy of the relevant settlement notification may also be put up.

28/9/46 PWD

ASSISTANT SECRETARY 16 SEP 1946 LEGAL DEPARTMENT.

Legal No 7326-1/46 28.9.46

18

Please see Legal Dept. on p.17 ante.
The file was sent to that Dept. with refce to para 21 of Secy's note.

As regds the Dly of water rate, please see paras 6 & 21 of Secy's note on pp 3 & 15 ante. Apparently Secy's intention is that both the Dly of water rate for water supplied from Government works & the levy of assessment when second crop is raised on single crop wetlands with the aid of Govt water, shd be considered.

Rev may be requested to put up the Settlement notice & pass on the file to Legal.

Dle
7.10.46

P.M. 46
Rev

Rev. Dept. P.W.D.m 142 & N/46-2
8.10.46

TO U.S.

~~Pl. see the P.W.D notes above. South Kanara Resettlement notification G.O. No. 42 dated 5.1.1935 containing~~ The South Kanara Resettlement notification is on pp 25-33 of G.O. 42 Rev 25.1.35 in the Stock file ~~that G.O.~~ put up below. The file may be passed on to Legal (Legal may be requested & return the Stock file when no longer required)

Pm 12.10.46

Dly Legal 14/10

(2) 12/10/46

ASSISTANT SECRETARY TO GOVERNMENT 2881 H 9 - OCT 1946 REVENUE DEPARTMENT

LEGAL DEPARTMENT.

It is presumed that at present no source of water supply is assigned to lands classified as wet, whether single or double. If this presumption is correct, there is nothing in the Resettlement Notification to prevent the Government from levying during the currency of the resettlement a water-cess under the

G.O. 42 Rev 5.1.1935 is in the Stock file put up below. Rev

ASSISTANT SECRETARY 15 OCT 1946 LEGAL DEPARTMENT.

2881 H/46-4
14.10.46
27

Irrigation Cess Act (VII of 1865) if a new irrigation work is constructed by Government and it is assigned as the source of supply to wet lands, whether single or double crop.- see clause (i) of second proviso to section 1 (i) of the Irrigation Cess Act. No written agreement by the ryots for payment of water-cess seems to be necessary. ~~[xxxxxxxxxxxxxxxxxxxxxxxxxxxx lands cannot be increased during the currency of the xxxxxxxxx rent]~~

Paragraph 40 (b) of the notification states that "subject to the provisions of clause (a) (i) to (vi) above, the resettlement will remain in force for a period of thirty years from the year of its introduction and the rates of assessment now sanctioned will not be changed during that period." This ~~section~~ statement regarding Government's intention contains an assurance against increase of assessment and accordingly, it has been held by the Privy Council in I.L.R. 51 Madras 611 and by a Bench of the Madras High Court in I.L.R. 48 Madras 586, that during the currency of the resettlement the Government is not entitled to increase the assessment. Though this is the general rule, the effect of the reservation in para 40 (a) of the Resettlement Notification has to be considered. It runs as follows:-

"The Government reserve the right to alter or revise within the period of the resettlement the classification of the lands and to impose additional assessment within the period fixed for the duration of resettlement or substitute ground rent for assessment, as the case may be, in the following cases:--

(i) Where lands have been included in the ayacut of any irrigation work which may be constructed by Government during the currency of the resettlement."

The reservation is as regards altering or revising the classification and imposing additional assessment. That is

to say, if a land had been classified as dry, the Government would have the right to alter the classification into wet if the condition specified in clause (a) is satisfied and impose additional assessment.

In the case of lands classified as double crop wet at the resettlement, it is obvious that no alteration of the classification is possible by reason of any irrigation work constructed by the Government and no question of additional assessment would therefore arise. As regards single crop wet lands, the Special Settlement Officer recommended that the practice existing in the previous settlement should be retained and that no modifications in the registry of lands as single crop or double crop were necessary during the currency of the resettlement. The Board of Revenue also agreed with his proposal and recommended that no re-classification of wet lands inter se was required and that no charge need be levied on occasional second crop. The Government accepted the recommendation and paragraph 12 of the resettlement notification which gives effect to this proposal states that "single crop wet lands will not be transferred to double crop or vice versa".

In the circumstances referred to above, it may be said the Government are precluded from levying enhanced assessment for the raising of a second crop on lands classified as single crop wet. But when an irrigation work is constructed by Government, the position is different. If as a result of such irrigation work, single crop wet lands are converted into double crop wet, then the Government are entitled under clause 40 (a) of the notification to alter the classification and levy additional assessment. No legislation is necessary for levying water rate or for additional assessment on single crop wet lands converted into double crop with the aid of water supplied from an irrigation work constructed by Government.

Legal n.v. 8271-1
8/11/46.

ASST. SECRETARY TO GOVERNMENT
N 2719
6 NOV 1946
PUBLIC

Please see legal note above with ref: to para 21 on p13 ante. Rev may see for remarks prior to circulation.

4/11/46 P.100

ASSISTANT SECRETARY TO GOVERNMENT
9 NOV 1946

P.W.D. WO NO. 1424-W/46-3
8-11-46

To U.S.

Please see the notes of Legal at pp 17 ante and the subsequent notes.

2. The views of Legal at 'A' on pp 20 ante may be agreed to in this dept and the file returned to P.W.D. g.s

PWD
11-11-46

11/11/46

13/11/46. O/P.W.D

Rev. U-0.35-66-H/46
d: 13/11/46.

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13 NOV 1946
2872
PUBLIC WORKS DEPARTMENT

P.W.D.

Please see the previous Secy.'s note on pp 1-16 ante on the Devt. of Irrigation in the South Kanara Dt. This was prepared at the instance of H.M.(Revenue) who had received numerous representations on the subject during his visit to the districts in May 1946. The previous Secy. considered that the question of taking up new irrigation schemes in the South Kanara District should be examined afresh and that the existing staff sanctioned for investigation should be strengthened. He further considered that an Ex. Engr. might be appointed and put in charge of the investigation which might be extended to the entire West coast with special reference to the problems of South Kanara. As regards the levy of water rate in the Dt. on second crops raised on lands classified as single crop mentioned in para 21 on p. 15 ante, please see the legal department's note at 'A' on p. 20 ante. That Deptt. considers that the Govt. are precluded from levying enhanced assessments for the raising of second crop on lands classified as single crop wet, but that the Govt. can alter the classification and levy additional assessments if single crop wet lands are converted into double crop wet lands as a result of an irrigation work constructed by Govt. No legislation will be necessary in this regard. Rev. Deptt. agree

2. It is submitted that the question of taking up new irrigation works in the Malabar and S. Kanara Dts has been a subject of some interpulations in the legislature and H.M.(P.W.) has assure

that special attention would be paid to the S. Kanara and the Malabar Districts. H.P.M. also has expressed the same view during the budget discussion.

3. Recently, the C.E.(I) asked for additional staff for completing the investigation of certain irrigation schemes in the S. Kanara Dt already taken up for investigation, and it is proposed to sanction the staff as required by him. The connected file is on circulation. Two schemes, Shériya and Chandra Madaga, have been investigated and about 17 schemes more may have to be investigated and necessary estimates and plans prepared. It is also proposed to sanction additional staff for investigation schemes in the Malabar Dt. The C.E.(I) will submit specific proposals in the matter after the proposed investigation of schemes by the additional staff applied for is completed. (It may also be pointed out that the Revenue Deptt. have sanctioned certain spl. staff for attending to about 21 minor irrigation schemes in the West Coast and this will also be completed in due course. Special legislation to meet the difficulty of the peculiar tenure system prevailing in the West Coast is also under consideration in the Revenue Dept.)

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4. The file may now be circulated to H.M.(P.W.) and H.M.(Revenue) for perusal. For orders.

for 15/11/46

16/11

16/11

in 14.11.46 & 2.12.46

H.M.(P.W.)/H.M.(Rev.)

H.P.M.

I have recently toured the South Kanara District with H.M.(Rev.) and we have received several representations re lack of irrigation facilities in the Dt. There are of course natural difficulties. But we have seen the possibility of schemes in many places. We have been convinced that the minor irrigation works need special attention. I would suggest that to start with, the minor Irrigation works in this District as well as in Chingleput (which was

...ssed by the C.E(I) may be taken over by P.W.D. and that necessary Staff maybe Sanctioned for the purpose. ~~There have~~ I have been receiving representations everywhere that ~~the~~ necessary attention is not paid now ~~by the~~ to the minor Irrigation works by the Revenue, and that they should be taken over by the P.W.D. We may try this first in the Chingleput and South Kanara Districts where the minor works happen to be important Sources.

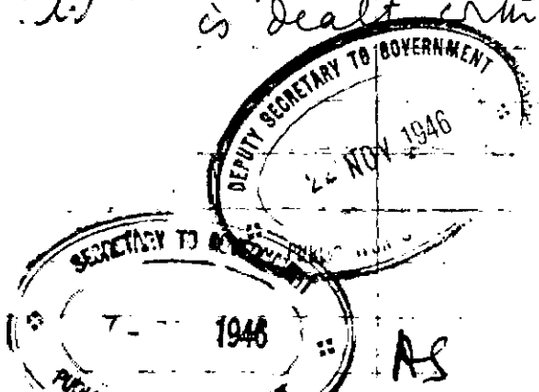
I have discussed with the S.E (I) regarding representations made to me. Necessary Staff should be Sanctioned for investigating all possible Schemes in this neglected District.

Sd/- B
18.11.46.

I agree. So far as S. Kanara is concerned it is all the more necessary ~~that~~ as schemes have yet to be started. Apart from ~~a~~ proper looking after ~~established~~ things. As the no. of schemes in S.K. to be sanctioned & some of them taken up this year (are) is large it is ~~better~~ desirable to have adequate staff. The question of ~~for~~ having a Spl. Tahasildar in S.K. to help in the investigation of these schemes is dealt with separately

Sd/- K.G.M
21/11/46

HPM 22
6/12/46



As Extract of Hon'ble members above have been ~~done~~ (1 P/46) and action taken.
May be seen for the present - Doc 2, p22

Sd/- 9/12/46

Sd/- 9.12.46

24

A.S.

As the CE(P) will be applying for necessary sanction, if any, to work vg. in regard to 'B' and 'A' on p 20 ante 'Z' on p. 22 ante, no special action seems called for now. Hence the papers may be recorded in a f.o after perusal by Rev 'A'

RSR 20.1.47

22.1.47 Rev

P.W.D. no. no. 1424-N/sub-4 23.1.47

ASSISTANT SECRETARY TO GOVERNMENT 5 11.7 23 JAN 1947 REVENUE DEPARTMENT

H2 23/1/47

20/1/47

Rev. Deptt.

TO U/S

This Deptt last saw the case on p 21 ante. Subsequent notes may be perused and the file returned to P.W.D.

Pon 23.1.47

PWD. 23/1/47

P.W.D.

P.W.D.

A.S.

With reference to 'A' above, the papers may now be recorded in a f.

Rev no 511 H/47-1 24.1.47 589 N

RSR 27.1.47

Rev No 5246 30.1.47

27/1/47

28.1.47

Sub: Re
T Kanna
Note for
H. Papers
recorded